UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:22-cv-00478-MOC

ALICIA S. SMITH,)
Plaintiff,)
Vs.)) ORDER
GORAN LNU WELLS FARGO AUTO, et al.,)))
Defendants.))

THIS MATTER is before the Court on Plaintiff's Motion for Reconsideration. (Doc. No. 15). Plaintiff asks this Court to reconsider, alter, or amend its judgment granting Defendant's Motion to Dismiss for Failure to State a Claim. (Doc. No. 13).

A motion to reconsider is appropriate "when the court has obviously misapprehended a party's position or the facts or applicable law, or when the party produces new evidence that could not have been obtained through the exercise of due diligence. Such problems rarely arise and the motion to reconsider should be equally rare." <u>Avadis v. Azar</u>, No. 3:21-CV-514-MOC-DSC, 2022 WL 4088201, at *1 (W.D.N.C. Sept. 6, 2022) (quotes and cites omitted).

Federal Rule of Civil Procedure 59(e) governs motions to alter or amend a judgment. The Court of Appeals for the Fourth Circuit has recognized "three grounds for amending an earlier judgment: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998) (citing EEOC v. Lockheed Martin Corp., 116 F.3d 110, 112 (4th Cir. 1997)). Rule 59(e) provides an "extraordinary remedy that should be used sparingly," Pac. Ins. Co., 148 F.3d at 403 (internal

citation omitted), which is ultimately within "the sound discretion of the district court."

Singletary v. Beazley Ins. Co., No. 2:13-CV-1142-DCN, 2013 WL 6850147, at *2 (D.S.C. Dec.

30, 2013), aff'd, 585 F. App'x 177 (4th Cir. 2014).

This Court has reviewed the substance of Plaintiff's motion and finds that the Court

correctly decided that Plaintiff's Complaint should be dismissed because it is barred by the

statute of limitations. Nothing in Plaintiff's Motion to Reconsider alters the Court's original

judgment. Having considered Plaintiff's motion and reviewed the pleadings, this Court enters the

following Order.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff's Motion for Reconsideration (Doc.

No. 15) is **DENIED**.

Signed: November 28, 2022

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